

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

562D0533

## HOUSE BILL NO. 1097

Introduced by: Representatives McCoy, Brooks, Fitzgerald, and Roe and Senators Olson,  
Albers, and Drake

1 FOR AN ACT ENTITLED, An Act to require sellers of tobacco and alcohol to retain the age-  
2 bearing documents of persons suspected of misrepresenting their age for the purpose of  
3 purchasing those products and to require community service of those who misrepresent their  
4 ages for the purpose of purchasing tobacco and alcohol.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 No person may misrepresent that person's age with the use of any document for the purpose  
9 of purchasing or attempting to purchase tobacco products. A violation of this section is a Class  
10 2 misdemeanor. In addition to any other penalty, a person convicted of a violation of this section  
11 shall complete community service as ordered by the judge.

12 Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Any seller of tobacco products who has reason to believe that a person has misrepresented  
15 that person's age by use of any document for the purpose of purchasing or attempting to  
16 purchase tobacco products shall retain the document and surrender it to a law enforcement

1 officer.

2 Section 3. That § 35-9-2 be amended to read as follows:

3 35-9-2. It is a Class 2 misdemeanor for any person under the age of twenty-one years to  
4 purchase, attempt to purchase, or possess or consume alcoholic beverages except when  
5 consumed in a religious ceremony and given to said person by an authorized person, or to  
6 misrepresent ~~his~~ that person's age with the use of any document for the purpose of purchasing  
7 or attempting to purchase alcoholic beverages from any licensee licensed under this title. In  
8 addition to any other penalty, any person who is convicted of misrepresentation of that person's  
9 age shall complete community service as ordered by the judge.

10 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Any seller of alcoholic beverages who has reason to believe that a person has misrepresented  
13 that person's age by use of any document for the purpose of purchasing or attempting to  
14 purchase alcoholic beverages shall retain the document and surrender it to a law enforcement  
15 officer.